REMARKS

Claims 1-10 were examined in the Office Action mailed March 24, 2005.

The Applicants have amended the pending claims primarily to more clearly recite the claimed features of the claimed invention, as well as to add new claims 11-14.

1. **The Claims Are Patentable Over Scholten.** The Applicants respectfully traverse the rejection of claims 1-10 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,505,643 to Scholten, *et al.* ("Scholten"), on the grounds that this reference fails to disclose or suggest all of the features of the present invention recited in the pending claims.

The invention recited in the pending claims is directed to a throttle valve which rotates across an angular range which has a minimum intake air flow position (corresponding to positions 3a or 8a in the present figures) between the fully open position (corresponding to positions 3 or 8c) and the fully closed position (corresponding to positions 3b or 8b). *See also* Claim 1 (an air intake control device in which "a throttle valve position defining a minimum intake air volume under control for air intake is formed *at a position slightly more open than* the mechanically fully closed position of the throttle valve"); Claim 11 (the "throttle valve is installed ... so as to be rotatable in both a clockwise direction and a counterclockwise direction *across a position* defining a minimum intake air volume"). The claimed throttle valve configuration thus allows the device to supply a required quantity of intake air in a simple configuration, even when the throttle blade fails to operate at the fully closed position.

The March 24, 2005 Office Action cites the Scholten reference, but does not directly identify where all the claimed features recited in claim 1 are disclosed (*i.e.*, all that is stated is that this reference "discloses a throttle valve (Figure 5) comprising a groove 16B and a spherical form 80"). March 24, 2005 Office Action at 2.[1]

Scholten Fig. 6 does not disclose or suggest claim 1's device "wherein a throttle valve position defining a minimum intake air volume under control for air intake *is formed at a position slightly more open than the mechanically fully closed position of the throttle valve.*" Fig. 6 discloses little more than the conventional art, *i.e.*, a throttle blade 24 in its fully closed position (*i.e.*, at a minimum air flow position), such that there is no position "slightly more open than the mechanically fully closed position" in which the air flow is *lower* than the air flow at the closed position. This is confirmed by the Scholten specification, which describes the stepped, spherical cap shape of the throttle body as "influence[ing] the characteristic curve of the throttle valve body," but does not disclose or suggest arranging the throttle body such that the minimum flow position is between the ends of the throttle blade's range of motion. Scholten at 10: 40-51.

Because Scholten fails to disclose or suggest all the features of the claimed recited in independent claims 1, 11 and 13 and their respective dependent claims, claims 1-14 are patentable over this reference under § 102(b).

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[1] As Fig. 5 does not show any throttle valve positions, the Applicants have assumed that reference to Scholten Fig. 6 was intended.

CONCLUSION

The Applicant respectfully submits that claims 1-14 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056208.52861US).

Respectfully submitted,

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